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THE RELATION OF MUNICIPAL GOVERNMENT TO AMERICAN DEMOCRATIC IDEALS

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John Stuart Mill opens his discussion of *Representative Government* with the remark that government

by some minds is conceived as strictly a practical art, giving rise to no questions but those of means and an end. Forms of government are assimilated to any other expedients for the attainment of human objects. They are regarded as wholly an affair of invention and contrivance. Being made by man, it is assumed that man has the choice either to make them or not, and how or on what pattern they shall be made. Government, according to this conception, is a problem to be worked like any other questions of business.

Mill here expresses a view which still dominates modern political thought, in spite of the fact that the philosophy of which it is the expression has long been outgrown in the study of institutions other than political. It is a curious fact that, while the doctrine of evolution, with its leading principle of the adaptation of form to function, has profoundly influenced our reasoning on all matters pertaining to social relations, it has failed to overcome the influence of tradition upon our political thinking. We still deal with political phenomena as if governmental organization could be made, unmade, and remade without reference either to industrial conditions or to the special problems with which government has to deal. The principal effect and the immediate danger of this attitude toward questions of civil government are that our reasoning on political affairs is usually "in harmony with what we *want*, rather than with the conditions and problems which government has to face." The history of city government in the United States presents a peculiar interest to the student of politics, because it illustrates so clearly these general principles.

The formative period in the development of our American cities was dominated by an essentially negative view of govern-

ment. During the eighteenth and the greater part of the nineteenth centuries American political thought was concerned primarily, in fact almost exclusively, with the protection of individual rights. A minimum of government and a maximum of individual liberty represented the primary standards of political thought and action. From our present perspective we can appreciate the great service rendered by these essentially negative political ideas. They strengthened that feeling of personal responsibility and initiative which has contributed so much toward our industrial development and served to maintain that alertness to possible encroachment upon the domain of individual liberty which has been the admiration and envy of the people of continental Europe. Furthermore, the restriction of government activity to the protection of person and property, and the care of the dependent, defective, and delinquent classes, enabled the country to train the electorate at a time when the functions of government were few and the possibilities of harm due to inexperience reduced to a minimum. Local government was then looked upon as the cradle of American liberties and as the bulwark against the possible tyranny of the state and federal governments; it was expected to preserve and foster a feeling of opposition toward any extension of the positive action of government.

Viewed in the perspective of the last hundred years, the contrast between the conditions out of which our ideas of local government developed and the circumstances which now confront us, is fraught with lessons which we cannot afford to ignore if we hope to build up vigorous local institutions. The menace to individual liberty from the tyranny of government is no longer a real one, and to this extent, therefore, the justification for the essentially negative prevailing views of government has disappeared. On the other hand, the concentration of population and the growth of great industrial centers have brought into the foreground a mass of new problems which the community is compelled to face. Many of them come directly within the legitimate sphere of government, but so strong is the hold of the political ideas of the eighteenth century that in most of our cities we must

depend upon private effort for their solution. The widening gap between the life of the community and the activities of our city governments is impressing itself on every student of American city life. The first step in the development of greater civic vigor is a method of bridging this gap which shall include, primarily, such an extension of municipal functions that the community will be enabled to grapple with the problems which cannot be solved without organized action; and, secondly, such a readjustment of the machinery of government that positive action will be fostered, rather than being made increasingly difficult, as it is under our present system. The ideas of governmental organization which we have borrowed from an earlier period, and which have worked great good as applied to our state and federal governments, are no longer applicable to the conditions that prevail in our cities.

If we examine the history of city government during the last fifty years, we find that slowly and with great reluctance we are beginning to acknowledge, in fact if not in theory, that the political ideas which have dominated our political thinking for more than a century are no longer adequate to meet the complex conditions of modern city life. We continue to reason as if the political principles of the eighteenth century had lost none of their force, but the pressure of circumstances has nevertheless forced us to make certain compromises, the full import of which we have hardly begun to realize.

Our inherited notions of democratic government have dictated a form of city organization in which the local representative assembly or city council occupies an important position. The same political traditions dictate that the higher administrative officials of the city, no matter what their functions, shall be chosen by popular election. It is a significant fact that this tenacious adherence to what we regard as the essentials of democracy has been contemporaneous with a totally different movement in other branches of administrative activity. The management of great business enterprises is being concentrated in the executive heads of industrial corporations. The responsibility for the conduct of the affairs of educational and charitable institutions is likewise drifting from the board to the single executive head.

Even in the management of the affairs of the church this tendency toward the concentration of executive power is distinctly apparent. Wherever the form of board management is still preserved, the actual control and responsibility is vested in one individual, whether he be called the president of the board or the chairman of the executive committee. However we may regard this tendency, there is every indication that it is not merely a passing phase, but that the immediate future will witness a strengthening of its influence.

It should not require lengthy argument to prove that tendencies which are so clearly marked in American business and institutional activity are certain to exert an influence on the administration of public affairs. We cannot hope permanently to preserve the illusion that by some occult force political organization can be kept free from the influences which are dominant in every other department of our national life.

If this concentration of power in the mayor represents a permanent tendency in American administrative policy, the question immediately presents itself whether we can reconcile these changes with our views of democracy. No one will deny that the increase of executive power, as well as its concentration, has been accompanied by a marked increase in efficiency. The choice presented to our American communities, therefore, takes the form of an apparent opposition between democracy and efficiency. Thus presented, there is little doubt as to the ultimate choice of the American people. Above all other peoples of western civilization, we are worshipers of efficiency. The establishment, therefore, of a harmonious relation between democracy and efficiency, both in thought and in action, becomes a necessary requisite for the maintenance of those institutions which we are accustomed to regard as the distinctive products of our American civilization.

If this analysis of the present situation be correct, the outlook for the municipal council is anything but encouraging. The analogy between a business and a municipal corporation, while faulty in many respects, is of real value when viewed from the standpoint of the organization of city departments. Whether or not we agree with this analogy, we cannot disregard the fact that

the popular view with reference to the administration of the city's executive departments is moving toward the standards which have proved so successful in the management of great corporate enterprises. This means that the people are prepared to accept the same administrative standards in municipal affairs as those which prevail in the business world. The recent proposal to give to the police commissioner of New York a term of ten years, or possibly a life tenure, would have been received with scorn and indignation fifty years ago. Today it is regarded by many as the best means of securing an efficient administration of this service.

Similarly, the increasing limitations on the powers of the municipal council are not due to any decline in the character of its membership, but rather to a growing appreciation of the difficulty, if not the impossibility, of enforcing responsibility against a large assembly. The repeated failure of the effort to enforce such responsibility is accountable for the steady decline of popular interest in the work of the council.

It is a significant fact that, even in those cities in which years of effort have finally secured an improvement in the character of the men serving in the local legislative body, the improvement in the administrative service is in no sense commensurate with the amount of effort thus expended. The vital interest of the citizens is in strengthening the administrative service rather than the legislative body. The gradual appreciation of this fact has led to the transference of what were formerly regarded as legislative functions to administrative officers. Although the movement is by no means uniform, the general trend of institutional development in this country is to reduce the power of the council to a control over finances, and by means of constitutional and statutory limitations to set definite limits even to this control. The council is gradually assuming the position of an organ of government whose function is to prevent the extravagant or unwise expenditure of public funds. It is thus rapidly becoming a negative factor in our municipal system. To an increasing extent the American people are looking to the executive, not only for the execution, but also for the planning of municipal improvements. Even the freedom of discussion in the council is being subjected to statutory limita-

tions by provisions requiring that the vote on financial and franchise questions shall not be delayed beyond a certain period.

It is a mistake to suppose that this decline in the power of the council involves a loss of popular control. In every city in which the mayor has been given independent powers of appointment and has been made the real head of the administrative organization of the city, the sensitiveness of the government to public opinion has been considerably increased. When rightly viewed, the change involves possibilities of popular control which we have hardly begun to realize. Almost every city in the country offers a number of instances in which the mayor, when supported by popular opinion, has been able to withstand the combined influence of the council and any machine organization that attempted to direct his action. The lessons of this experience have left their impress upon the political thinking of the American people and explain the tendency to look to the executive rather than to the legislative authority for the solution of every difficulty. Popular control over the city government will become more effective as public opinion becomes more thoroughly organized. At present we must depend upon a great number of voluntary organizations representing different elements in the community, but which cannot, from the nature of the case, represent the opinion of the community as a whole.

The danger involved in this tendency toward the concentration of executive power is that the council will be shorn, not only of its administrative, but of its legislative powers, as well. The desire for greater administrative efficiency may lead us to a type of government in which the determination of executive policy will be left exclusively to the mayor and his heads of departments. This form of organization is certain to give us better government than our present large and unwieldy council. The accumulated experience of American cities has shown that, unless the council is reduced to a single chamber with a small membership, responsibility cannot be enforced. The choice that presents itself is clear and simple. We must either make the council a small body of nine or eleven members, elected by the people, having complete power over the finances of the city, or we shall inevitably drift

toward a system in which the council will disappear and all power will be lodged in the mayor and his heads of departments.

The reconciliation of the idea of popular government with the concentration of executive power represents the first step toward a better adjustment of our political thinking to the conditions of city life. A second and no less important step involves some further modifications in our ideas of municipal organization. American cities are organized as if they were the small towns and villages of fifty years ago. We have proceeded on the assumption that an aggressive and progressive municipal policy can be developed out of the compromise of conflicting district interests. As a matter of fact, our present plan of district representation clogs positive action and prevents the systematic planning and economical execution of great public improvements.

Placing the mayor as a check upon the council, and the council as a check upon the mayor, has served, furthermore, to strengthen that most baneful of political superstitions—the belief in a self-acting governmental mechanism which will carry on the work of government without the need of watchfulness and alertness on the part of the people. For every evil, no matter what its nature, we recur to the statute book. There is a widespread belief throughout the country that for every abuse there is a legislative remedy. This belief in the moralizing power of law is one of the most insidious as well as one of the most corrupting influences in our public life. It leads us to place unenforceable laws on the statute books, and the disregard of these laws becomes the instrument of blackmail and bribery. The same political superstition pervades the organization of our city governments—to construct a self-acting mechanism which will secure honesty and guarantee efficient administration. By pitting the executive against the legislative authority, by electing one official to exercise control over another, and by making official terms as short as possible, we have beguiled ourselves with the illusion that it is possible to construct a mechanism of government which only requires the attention of the citizen body at stated election periods. It is not surprising that this search for a self-acting governmental machine has proved fruitless, for it represents an attempt to relieve ourselves of a

responsibility which we cannot throw off. The complexity of organization that has resulted from this attempt to secure efficiency and honesty through statutes rather than through men has done more than any other influence to retard municipal progress.

The problem presented by city government in the United States is not merely to construct a well-balanced mechanism of government, but so to construct that government that it will require the alertness and watchfulness of the people. The situation in Philadelphia is an instructive instance of the effect of so organizing the government as to leave the people under the impression that the officials are sufficiently encompassed with statutory limitations to have little power for evil. With a bicameral council, a mayor whose appointments are subject to the approval of the upper branch of the local legislative body, and such important services as the control of education vested in a board appointed by the local judiciary, authority is split to such an extent that the people believe that no one official or group of officials enjoys sufficient power to work much harm. We fail to appreciate the fact that this splitting of authority means that harmony can be secured only by gathering these loose threads in the hands of some person or group of persons who, while not officially recognized in the organization of government, exercise the real governmental power.

If the foregoing discussion has served any purpose, it has shown that industrial and social organization in the United States is tending toward an increasing concentration of executive and administrative power, and that this movement has been accompanied by a corresponding increase in efficiency. In the organization of our municipalities the fear of absolutism has led us to offer considerable resistance to a plan of organization whose value is no longer questioned in other departments of organized effort. The partial and unwilling recognition of this principle has led to a series of makeshifts which have failed to give satisfactory results. Instead of giving the mayor complete control over the administrative work of the city, we have, in most cases, hampered his powers of appointment, making them subject to the approval of the council. The unfortunate compromises which this system has

compelled the mayor to make, have been laid at the door of the council, and have served further to weaken its hold on the people. If this feeling continues to increase in intensity, it is likely to carry us to a form of city government in which the mayor and the heads of executive departments will exercise, not only the administrative, but also the legislative functions of the municipality.

The council, if restricted to distinctly legislative functions, may continue to be an important organ in keeping the government of the city in close touch with the people, and in keeping the people in close touch with city affairs. Under our present plan of organization this is impossible, because the participation of the council in the exercise of executive functions leads it to bend its energies to control the executive rather than to deal with broader questions of municipal policy.

The alternative that presents itself to the American people is clear and distinct. If we wish to preserve the council, we must be prepared to make three changes: first, to deprive it of all participation in the appointment of executive officials; secondly, to transform it from a bicameral organization to a single chamber; and, thirdly, to reduce its membership. Unless we are prepared to make these changes, it is safe to predict that we shall gradually move toward a system in which both executive and legislative powers will be vested in the mayor and the heads of executive departments.

We need not shrink from giving to the mayor greater executive powers, if by so doing we can save the council. It is important for those who are interested in the betterment of city government to realize that, while in the organization of government all kinds of compromises may be attempted, the actual operation of any system is determined by deep underlying forces over which the individual has but little control. The compromises that have been dictated by our unwillingness to accept the consequences of certain fundamental canons of political organization have placed our city governments at the mercy of a small group of men who understand these principles more clearly than we, and who are able to manipulate this organization for their own ends.

The traditional fear of absolutism need not deter us from making the mayor the real executive head of the city government. Correctly interpreted, this plan offers possibilities of popular control which our present system lacks. At all events, it is well for us to understand that the demand for efficiency, which the American people place above their desire for democratic rule, will inevitably lead to this concentration of executive power. The real alternative that presents itself is, therefore, whether this concentration of power will be accompanied by the destruction of the city council, or whether the city council will survive as an organ of government restricted to purely legislative functions.